

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**  
(Under 37 CFR 1.97(b) or 1.97(c) E)

Docket No.  
15527 (PC23200A)

In Re Application Of: Lynn D. Nelson, et al.

DEC 27 2004

Application No.	Filing Date	Examination Status	Customer No.	Group Art Unit	Confirmation No.
10/672,592	September 26, 2003	Unassigned	23389	1614	8663

Title:

**USE OF EXCIPIENTS TO INCREASE DNA UPTAKE BY SWINE MUSCLE CELLS**

Address to:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**37 CFR 1.97(b)**

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

**37 CFR 1.97(c)**

2. ☐ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

☐ the statement specified in 37 CFR 1.97(e);

**OR**

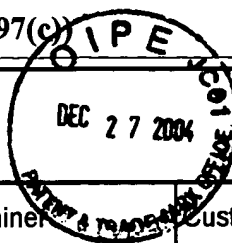
☐ the fee set forth in 37 CFR 1.17(p).

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(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.  
15527 (PC23200A)

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10/672,592	September 26, 2003	Unassigned	23389	1614	8663

Title:

**USE OF EXCIPIENTS TO INCREASE DNA UPTAKE BY SWINE MUSCLE CELLS****Payment of Fee**

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 19-1013/SSMP as described below.
- ☐ Charge the amount of \_\_\_\_\_
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.****Certificate of Transmission by Facsimile\***

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. _____)	
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December 21, 2004 (Date)	_____ Signature of Person Mailing Correspondence
Peter I. Bernstein Typed or Printed Name of Person Mailing Certificate	

**\*This certificate may only be used if paying by deposit account.**  
\_\_\_\_\_  
Signature

Dated: December 21, 2004

Peter I. Bernstein

Registration No. 43,497

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Garden City, New York 11530

516-742-4343

CC:

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicants:** Lynn D. Nelson, et al. **Examiner:** Unassigned  
**Serial No:** 10/672,592 **Art Unit:** 1614  
**Filed:** September 26, 2003 **Docket:** 15527 (PC23200A)  
**For:** USE OF EXCIPIENTS TO INCREASE **Dated:** December 21, 2004  
DNA UPTAKE BY SWINE MUSCLE CELLS



**Confirmation No.:** 8663

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT**

In accordance with 37 C.F.R. §§ 1.97 and 1.98, it is requested that the following references, which are also listed on the attached Form PTO-1449, be made of record in the above-identified case.

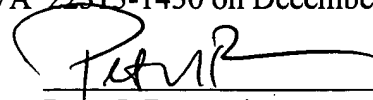
1. Blau H.M. et al., "Molecular Medicine-Muscle-Mediated Gene Therapy", *The New England Journal of Medicine* 333(23):1554-1556 (1995);
2. United States Patent No. 5,906,922, dated May 25, 1999 to Whittaker et al.;
3. United States Patent No. 6,040,295, dated March 21, 2000 to Rolland et al.;
4. Hartikka J. et al., "Sodium Phosphate Enhances Plasmid DNA Expression In Vivo", *Gene Therapy* 7:1171-1182 (2000);

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on December 21, 2004.

Dated: December 21, 2004

  
Peter I. Bernstein

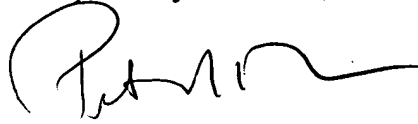
5. Lemieux P. et al., "A Combination of Poloxamers Increases Gene Expression of Plasmid DNA in Skeletal Muscle", *Gene Therapy* 7:986-991 (2000);
6. PCT International Publication No. WO 00/47186, published August 17, 2000;
7. PCT International Publication No. WO 01/60415 A1, published August 23, 2001;
8. United States Patent Application Publication No. 2002/0032166 A1, published March 14, 2002 to Shefter et al.;
9. United States Patent Application Publication No. 2002/0038112 A1, published March 28, 2002 to Mathiesen et al.;
10. United States Patent No. 6,423,693 B1, dated July 23, 2002 to Schwartz et al.; and
11. United States Patent Application Publication No. 2002/0103156 A1, published August 1, 2002 to Lawrence III, et al.

References 2, 3 and 8-11 were cited in the International Search Report dated April 6, 2004. Applicants are submitting a copy of the International Search Report. The relevance of reference nos. 2, 3 and 8-11 has been described in the International Search Report. The relevance of reference nos. 1, 4, 5 and 6 has been described in the specification.

In accordance with the waiver of 37 C.F.R. § 1.98 (a)(2)(i) in effect as of June 30, 2003, applicants are not required to submit copies of the above-cited U.S. Patent Application Publications and U.S. Patents. All other references are enclosed.

Inasmuch as this Information Disclosure Statement is being submitted in accordance with the schedule set out in 37 C.F.R. § 1.97(b), no statement or fee is required.

Respectfully submitted,

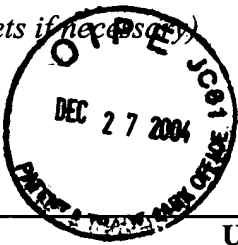
A handwritten signature in black ink, appearing to read 'Peter I. Bernstein', with a large, stylized initial 'P'.

Peter I. Bernstein

Registration No.: 43,497

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400 Garden City Plaza-Suite 300  
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PIB:dg

Form PTO-1449 (REV. 7-80) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  <div style="text-align: center;"> <b>LIST OF PRIOR ART CITED BY APPLICANT</b>   <i>(Use several sheets if necessary)</i> </div> <div style="text-align: center;">  </div>		<b>Atty. Docket No. (Optional)</b>  15527 (PC23200A)		<b>Application Number</b>  10/672,592					
<b>Applicant(s)</b> Lynn D. Nelson, et al.									
<b>Filing Date</b> September 26, 2003				<b>Group Art Unit</b> 1614					
<b>U.S. PATENT DOCUMENTS</b>									
<b>EXAMINER INITIAL*</b>		<b>DOCUMENT NUMBER</b>	<b>DATE</b>	<b>NAME</b>	<b>CLASS</b>	<b>SUBCLASS</b>	<b>FILING DATE (if appropriate)</b>		
	AA	5,906,922	5/25/99	Whittaker et al.					
	AB	6,040,295	3/21/00	Rolland et al.					
	AC	6,423,693 B1	7/23/02	Schwartz et al.					
<b>U.S. PATENT APPLICATION PUBLICATIONS</b>									
<b>EXAMINER INITIAL*</b>		<b>DOCUMENT NUMBER</b>	<b>DATE</b>	<b>NAME</b>	<b>CLASS</b>	<b>SUBCLASS</b>	<b>FILING DATE (if appropriate)</b>		
	AA	2002/0032166 A1	3/14/02	Shefter et al.					
	AB	2002/0038112 A1	3/28/02	Mathiesen et al.					
	AC	2002/0103156 A1	8/1/02	Lawrence III, et al.					
<b>FOREIGN PATENT DOCUMENTS</b>									
	<b>REF</b>	<b>DOCUMENT NUMBER</b>	<b>DATE</b>	<b>COUNTRY</b>	<b>CLASS</b>	<b>SUBCLASS</b>	<b>TRANSLATION</b>		
							<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><b>YES</b></td> <td style="width: 50%;"><b>NO</b></td> </tr> </table>	<b>YES</b>	<b>NO</b>
<b>YES</b>	<b>NO</b>								
		WO 00/47186	8/17/00	PCT					
		WO 01/60415 A1	8/23/01	PCT					
<b>OTHER DOCUMENTS</b> <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>									
		Blau H.M. et al., "Molecular Medicine-Muscle-Mediated Gene Therapy", <i>The New England Journal of Medicine</i> 333(23):1554-1556 (1995)							
		Hartikka J. et al., "Sodium Phosphate Enhances Plasmid DNA Expression In Vivo", <i>Gene Therapy</i> 7:1171-1182 (2000)							
		Lemieux P. et al., "A Combination of Poloxamers Increases Gene Expression of Plasmid DNA in Skeletal Muscle", <i>Gene Therapy</i> 7:986-991 (2000)							
<b>EXAMINER</b>			<b>DATE CONSIDERED</b>						
* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.									